

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JENI RIEGER, ALOHA DAVIS,
JODIE CHAPMAN, CARRIE VASEL,
KAREN BURNAUGH, TOM
GARDEN, ADA and ANGELI
GOZON, HERNAN A. GONZALEZ,
PATRICIA A. HENSLEY, CLYDIENE
FRANCIS, PETER LOWEGARD, and
GRANT BRADLEY, individually and
on behalf of a class of similarly situated
individuals,

Plaintiffs,

v.

VOLKSWAGEN GROUP OF
AMERICA, INC., a New Jersey
corporation, d/b/a AUDI OF
AMERICA, INC.,

Defendant.

Case No. 1:21-cv-10546-NHL-EAP

Motion Date: November 6, 2023

**PLAINTIFFS' NOTICE OF
UNOPPOSED MOTION FOR AN
ORDER PRELIMINARILY
APPROVING CLASS ACTION
SETTLEMENT**

PLEASE TAKE NOTICE that on November 6, 2023 at 9:00 AM or as soon thereafter as the matter can be heard, Plaintiffs Tom Garden, Carrie Vessel, Karen Burnaugh, Grant Bradley, Clydiene Francis, Ada and Angeli Gozon, Peter Lowegard, and Patrician Hensley ("Plaintiffs"), individually and on behalf of the Settlement Class, move this Court before Hon. Noel L. Hillman, U.S.D.J., pursuant to Rule 23 of the Federal Rules of Civil Procedure for an Order: (1) granting preliminary approval of the Settlement; (2) conditionally certifying the proposed

Settlement Class for settlement purposes; (3) conditionally appointing Plaintiffs as the Settlement Class Representatives and Plaintiffs' Counsel, Berger Montague PC, Capstone Law APC, and Ladah Law Firm, as Settlement Class Counsel; (4) approving the Parties' proposed Class Notice Plan for disseminating the Class Notice; (5) conditionally appointing JND Legal Administration, as the Settlement Claim Administrator; (6) setting deadlines for the filing of any objections to, or requests for exclusion from the Settlement and other submissions in connection with the Settlement approval process; and (7) setting a hearing date and briefing schedule for Final Approval of the Settlement and Plaintiffs' application for service awards and attorneys' fees and expenses.

In support of this Motion, Plaintiffs rely upon the accompanying Brief, the Declaration of Tarek Zohdy ("Zohdy Decl."), the Declaration of Russel D. Paul ("Paul Decl."), the Declaration of Ramzy P. Ladah ("Ladah Decl."), and a copy of the fully executed Settlement Agreement, which is attached as Exhibit 1 to the Zohdy Decl. The following Exhibits are appended to the Settlement Agreement:

- Exhibit 1, Claim Form
- Exhibit 2, Class Notice
- Exhibit 3, Preliminary Approval Order
- Exhibit 4, Designated VINs for Settlement Class Vehicles

Defendant Volkswagen Group of America, Inc. does not oppose this Motion.

Dated: October 11, 2023

Respectfully Submitted,

/s/ Russell D. Paul

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